

[COMMITTEE PRINT]

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[Showing the text of H.R. 4201, as Reported by the Subcommittee on Telecommunications, Trade and Consumer Protection]

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Noncommercial Broad-
3 casting Freedom of Expression Act of 2000”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds the following:

6 (1) In the additional guidance contained in the
7 Federal Communication Commission’s memorandum
8 opinion and order in WQED Pittsburgh (FCC 99–
9 393), adopted December 15, 1999, and released De-
10 cember 29, 1999, the Commission attempted to im-
11 pose content-based programming requirements on
12 noncommercial educational television broadcasters
13 without the benefit of notice and comment in a rule-
14 making proceeding.

15 (2) In doing so, the Commission did not ade-
16 quately consider the implications of its proposed
17 guidelines on the rights of such broadcasters under
18 First Amendment and the Religious Freedom Res-
19 toration Act.

20 (3) Noncommercial educational broadcasters
21 should be responsible for using the station to pri-

1 marily serve an educational, instructional, cultural,
2 or religious purpose in its community of license, and
3 for making judgments about the types of program-
4 ming that serve those purposes.

5 (4) Religious programming contributes to serv-
6 ing the educational and cultural needs of the public,
7 and should be treated by the Commission on a par
8 with other educational and cultural programming.

9 (5) Because noncommercial broadcasters are
10 not permitted to sell air time, they should not be re-
11 quired to provide free air time to commercial entities
12 or political candidates.

13 (6) The Commission should not engage in regu-
14 lating the content of speech broadcast by non-
15 commercial educational stations.

16 **SEC. 3. CLARIFICATION OF SERVICE OBLIGATIONS OF NON-**
17 **COMMERCIAL EDUCATIONAL OR PUBLIC**
18 **BROADCAST STATIONS.**

19 (a) SERVICE CONDITIONS.—Section 309 of the Com-
20 munications Act of 1934 (47 U.S.C. 309) is amended by
21 adding at the end the following new subsection:

22 “(m) SERVICE CONDITIONS ON NONCOMMERCIAL
23 EDUCATIONAL AND PUBLIC BROADCAST STATIONS.—

24 “(1) IN GENERAL.—A nonprofit organization
25 shall be eligible to hold a noncommercial educational

1 radio or television license if the station is used pri-
2 marily to broadcast material that the organization
3 determines serves an educational, instructional, cul-
4 tural, or religious purpose (or any combination of
5 such purposes) in the station's community of license,
6 unless that determination is arbitrary or unreason-
7 able.

8 “(2) ADDITIONAL CONTENT-BASED REQUIRE-
9 MENTS PROHIBITED.—The Commission shall not—

10 “(A) impose or enforce any quantitative re-
11 quirement on noncommercial educational radio
12 or television licenses based on the number of
13 hours of programming that serve educational,
14 instructional, cultural, or religious purposes; or

15 “(B) impose or enforce any other require-
16 ment on the content of the programming broad-
17 cast by a licensee, permittee, or applicant for a
18 noncommercial educational radio or television li-
19 cense that is not imposed and enforced on a li-
20 censee, permittee, or applicant for a commercial
21 radio or television license, respectively.

22 “(3) RULES OF CONSTRUCTION.—Nothing in
23 this subsection shall be construed as affecting—

24 “(A) any obligation of noncommercial edu-
25 cational television broadcast stations under the

1 Children's Television Act of 1990 (47 U.S.C.
2 303a, 303b); or

3 "(B) the requirements of section 399,
4 399A, and 399B of this Act."

5 (b) POLITICAL BROADCASTING EXEMPTION.—Sec-
6 tion 312(a)(7) of the Communications Act of 1934 (47
7 U.S.C. 312(a)(7)) is amended by inserting “, other than
8 a noncommercial educational broadcast station,” after
9 “use of a broadcasting station”.

10 (c) IMPLEMENTATION.—Consistent with the require-
11 ments of section 4 of this Act, the Federal Communica-
12 tions Commission shall amend sections 73.1930 through
13 73.1944 of its rules (47 C.F.R. 73.1930-73.1944) to pro-
14 vide that those sections do not apply to noncommercial
15 educational broadcast stations.

16 **SEC. 4. RULEMAKING.**

17 (a) LIMITATION.—After the date of enactment of this
18 Act, the Federal Communications Commission shall not
19 establish, expand, or otherwise modify requirements relat-
20 ing to the service obligations of noncommercial educational
21 radio or television stations except by means of agency rule-
22 making conducted in accordance with chapter 5 of title
23 5, United States Code, and other applicable law (including
24 the amendments made by section 3).

1 (b) RULEMAKING DEADLINE.—The Federal Commu-
2 nications Commission shall prescribe such revisions to its
3 regulations as may be necessary to comply with the
4 amendment made by section 3 within 270 days after the
5 date of enactment of this Act.